

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KELLEY COELHO,

Plaintiff,

v.

UNITED STATES ARMY RESERVES, et  
al.,

Defendants.

No. 2:24-cv-2431 TLN AC

ORDER TO SHOW CAUSE

Plaintiff, appearing in pro se, filed a complaint and paid the filing fee on September 6, 2024. ECF No. 1. The same day, a summons and scheduling order was issued in this case ordering the plaintiff to serve a copy of the scheduling order and complete service of process within 90 days of filing the complaint. ECF Nos. 2, 3. Plaintiff was cautioned that failure to complete service within 90 days may result in dismissal pursuant to Fed. R. Civ. P. 40(m). Id. On October 3, 2024, plaintiff filed a document containing several proofs of service, indicating she served several of the defendants with the “summons and ADA letter” by mail. ECF No. 4. No defendants have appeared. Plaintiff is suing the U.S. Army and several individuals who appear to be officers in the Army, though this is not entirely clear from the complaint. ECF NO. 1 at 1-6.

Plaintiff’s proofs of service indicate that service on defendants was not effective. Federal Rule of Civil Procedure 4(i) outlines the rule for serving the United States, as well as its agencies and employees. The Rule requires a plaintiff to take three steps:

(A)(i) deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought—or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk—or (ii) send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney’s office;

(B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.; and

(C) if the action challenges an order of a nonparty agency or officer of the United States, send a copy of each by registered or certified mail to the agency or officer.

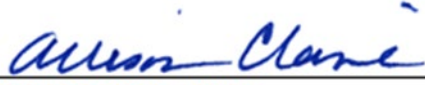
Fed. R. Civ. P. 4(i). The Attorney General has designated the Assistant Attorney General for Administration, Justice Management Division, to accept service of summonses and complaints. 28 C.F.R. § 0.77(j). The U.S. Department of Justice is located at 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001.

It is apparent the plaintiff has not followed the instructions in Rule 4(i). Thus, plaintiff is ORDERED to properly complete service. Plaintiff must file a notice with the court affirming that service has been properly completed. Local Rule 110 provides that failure to comply with court orders or the Local Rules may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff is Ordered to Show Cause, in writing no later than December 11, 2024, why this action should not be dismissed for failure to prosecute;
2. Plaintiff’s filing of proper proofs of service will be deemed good cause shown; and
3. If plaintiff fails to comply with this order, the case will be dismissed without prejudice for failure to prosecute.

DATED: November 26, 2024

  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE